

March 13, 1975

. . . I'd just like to make one comment on the historical items that Senator Chambers addresses himself to to justify the despicability of the legal profession. Many of those writers were saterists or social critics. The legal profession has, throughout history, been a brunt for those types of individuals who write. A good deal of their comment is, I suppose, fair. The nature of the legal profession is to deal with other peoples problems. When someone comes to a lawyer they already have a problem that they couldn't solve for themselves. They are probably an unhappy individual before they ever approached a lawyer. A lawyer didn't create their problem. They come to him to solve it. Very often their problem is not satisfactorily resolved because the situation that gave rise to their problem may not have an adequate legal remedy. The other day we heard the guest statute in Public Works, which says that if you are injured while riding in a car and you are a guest in that car and you are injured to the negligent conduct of the driver, you cannot recover. He must be grossly negligent. An awful lot of people who get injured through the negligence of their host driver come to lawyers and seek to receive compensation for their injury. The lawyer must advise them that the law does not entitle them to compensation. There you have an injured person who is injured by the negligence of another person. A lawyer tells him that the law says that he can't be compensated for that. That person, of course, is going to be unhappy. He should be unhappy with the Legislature, which he is not. He's unhappy with his lawyer. If his lawyer letigates the case like that and loses it because the law says that a person can't recover, even though the person who caused his injury was negligent, the person is going to be unhappy with his lawyer. He expects his lawyer to make him whole and receive the compensation. The very nature of the profession of dealing with other peoples problems, where very often there is not a satisfactory answer, creates a situation where lawyers become unpopular with the people who deal with them, because they were unhappy before they ever got there. Lawyers were not created and are not trained to solve all problems. They are simply trained to represent people in the best fashion that they can. That's their sole obligation. Altogether the only issue you really have to decide is whether the Bar Association functions to the public interest. I think that there is no great evidence that it does not, in fact there is substantial evidence that the Bar Association does serve the public interest. It encourages lawyers to participate and to improve within their profession. It runs courses and educational instruction to improve the techniques of lawyers. All of this has to be supported by fees. In addition to that, I don't think that lawyers greatly object to paying the fee because the benefits far outweigh the individual fee that each lawyer pays. I'd support Senator Warner's motion and hope that this bill be killed.

PRESIDENT: Senator Dworak.

SENATOR DWORAK: Mr. Chairman, colleagues, I voted in committee to bring this bill out on the floor because I felt in committee hearing the arguments on both sides that there was considerable areas that required some debate and